

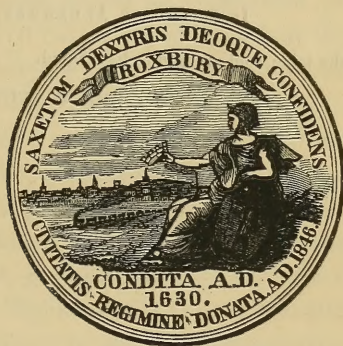
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REPORT
OF
COMMITTEE
ON
POLICE COURT.



ROXBURY:
NORFOLK COUNTY JOURNAL PRESS.
1855.

CITY OF ROXBURY.

IN BOARD OF ALDERMEN, January 29, 1855.

Read, laid upon the table, and ordered to be printed.

JOSEPH W. TUCKER, City Clerk.

The Joint Committee of the Board of Aldermen and Common Council, to whom was referred so much of the Inaugural Address of his Honor the Mayor, as refers to the establishment of a Police Court, respectfully

R E P O R T :

THAT they have duly considered that subject, and are unanimously of the opinion, that public good and private interest, so far as the latter is connected with a speedy and intelligent administration of the law, require the establishment of a Police Court in this city.

To such tribunal would be committed jurisdiction over criminal and civil cases. And in each of these departments it is highly necessary that a uniform practice should prevail, that the interpretation of the law should also be uniform, and that parties, often in their character and interests most deeply interested in its decisions, should feel assured that their fate or their property is dependent on a tribunal, combining with integrity of purpose, talent, learning in the law, judicial sagacity and discrimination.

The Bill of Rights of this Commonwealth recognises the claim of the citizen to speedy administration of justice. Of the abuses which have made the ministry of the law obnoxious to criticism and reproach, a prominent one has been the delay of the courts on whose action depends the acquittal of the innocent, or the conviction and punishment of the guilty. A Police Court, open at all times, and vested with criminal jurisdiction extensive, or nearly so, as that of the Court of Common Pleas, would at once determine cases

which are now subjected to long delay, awaiting the regular session of the Court of Common Pleas. Persons charged with crime are now held for trial by order of a justice of the peace, and in want of bail for their appearance at Dedham, are confined in jail; and thus, whether guilty or innocent, are subjected to penalty before trial. The intercourse thereupon had with persons already under sentence, cannot fail to demoralize the young: the confinement is unjust to those who may be found innocent, and even to the guilty it may be deemed hard, if not unjust, as not being an adjudged penalty for guilt. The prompt action of a court sitting in our midst would obviate this inconvenience and wrong.

It is deemed, too, that the convenience of parties and witnesses would be greatly promoted, and the expense to individuals having business in the court would be reduced by the proximity of the tribunal to the place of their residence. Such a court as is proposed, having cognizance not only of violations of the criminal law, but also having jurisdiction to the amount of one hundred dollars in civil cases, and of some forms of action affecting title to real estate, ought to be convenient of access to a population of nearly 20,000 people, over whom its jurisdiction would reach.

The proximity of our city to Boston makes it the ready retreat of the dissolute and the reckless from that place: foreigners, who constitute a large part of our population, and whose names are found in rank luxuriance and disproportion on the records of all our criminal courts, afford the same materials for disorder and punishment in our community, that they do in every other in the land. An efficient, learned and dignified court would do much to repress and to prevent the commission of crime by this class of our population.

The experience of other cities in which city courts were early established, has been satisfactory; and where there

has been discontent, it has been caused by personal considerations, sometimes narrow, rather than by any radical defect in the system. Police Courts now exist in Salem, Newburyport, Lawrence, Milford, Haverhill, Lowell, Cambridge, Worcester, Blackstone, Springfield, Adams, New Bedford, Fall River, and perhaps some other towns and cities.

Upon looking to the question of expense, your committee is of opinion, that the change proposed would be of no cost to the city, and probably would be the means of considerable saving. The returns of the last year, in the office of the Secretary of State, show 591 criminal proceedings in the city of Roxbury. Estimating the magistrates' fee at \$3 in each case, the amount of justices' fees during the year would have been \$1773, not including fees in civil cases.* Perhaps it would not be desirable that the Justice of the Police Court should be paid by the fees received in his office. The usage seems to be in favor of an honorable and fixed salary. But as it is not probable that the amount of it would be so high as \$1700, and as the costs taxed for the magistrate in civil as well as criminal cases would then be paid into the city treasury, it is obvious that there are no economical objections to the measure.

Your Committee are aware of a feeling in the community opposed to the creation of offices, and to increasing the machinery of the law. This is a laudable feeling; it is a healthy jealousy. It is one of the safeguards of liberty. Let it always be respected: in its healthy action let it be cultivated. But although the maxim that "power is daily stealing from the many to the few," should set us ever on our guard against abuses, still it must be admitted that it is for the benefit of the *many* that power is en-

* Besides those cases which are included in the returns, there has been a large number of prosecutions for violation of the liquor law, instituted elsewhere. In ascertaining the amount of business, these should be considered, as they would be brought before a Police Court.

trusted to the *few*. To this complexion must it come at last.

In uncivilized or despotic countries the people have but few rights, and there is but little law. The forms of the latter are simple, its ministers are few, its practice summary. As popular rights are developed and acknowledged, laws increase, and the officers and apparatus for announcing and enforcing them likewise increase. Civilization and commerce advance, the ingenuity of enterprise projects new forms of business and nicer subtleties in contracts. The law must keep pace with this progress of the changing community: and so, that arrangement for ascertaining, defining and enforcing the rights of the citizen, whose simplicity was well enough adapted to the wants of society in its primitive form, having accomplished its mission, ceases to be further appropriate or useful, and should give way to something more in harmony with the progress of, and corresponding to the wants of modern times.

In conclusion, your Committee would say, that they have examined a law for the establishment of a Police Court in the city of Roxbury, passed by the last General Court, but which, not having been accepted by the citizens of Roxbury, did not go into effect, and they recommend that the Mayor be requested to procure the passage of a similar act by the Legislature now in session.

For the Committee,

CHARLES BUNKER, *Chairman*.

IN BOARD OF ALDERMEN, Jan. 29, 1855.

